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4 BILL NO. Z-76-05- / 2

5 ZONING MAP ORDINANCE NO. Z- East

6 AN ORDINANCE amending the City of Fort
7 Wayne Zoning Map No. A-7.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
9 OF FORT WAYNE, INDIANA:

10 SECTION 1. That the area described as follows is
11 hereby designated an M 1 District under the terms of Chapter 36,
12 Municipal Code of the City of Fort Wayne, Indiana, 1946, as
13 amended by General Ordinance No. 2836 and amendments thereof;
14 and the symbols of the City of Fort Wayne Zoning Map No. A-7,
15 referred to therein, established by Section 9, Article III
16 of said Chapter as amended, are hereby changed accordingly,
17 to-wit:

18 Lot Number 14 and one-half of vacated alley
19 in St. Vincent's Place Addition, commonly
known as 1718 Cass Street.

20 SECTION 2. This Ordinance shall be in full force and
21 effect from and after its passage, approval by the Mayor and
22 legal publication thereof.

23
24 
25 Councilman

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32
33 APPROVED AS TO FORM
34 AND LEGALITY.
35 
M. D. Bain
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Zelous, and duly adopted; read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 5-11-76

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Zelous, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
<u>TOTAL VOTES</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>BURNS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>HINGA</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>HUNTER</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>MOSES</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>NUCKOLS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>SCHMIDT, D.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>SCHMIDT, V.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>STIER</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>TALARICO</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 11-23-76

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197____.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 11, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-05-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 14, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 21, 1976.

Certified and signed this
29th day of October, 1976.

Joseph N. Adair

Joseph N. Adair
Secretary

Bill No. Z-76-05-13

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. A-7

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance ~~doth not~~ PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

BASE 11-21 1st CONCENTRATION

Ac # 2559

RECEIPT

No 070

GENERAL FUND

FT. WAYNE, IND.

April 20 76

RECEIVED FROM

Tom Gademeyer \$ 50 00

THE SUM OF

Fifty dollars ~~50~~ DOLLARS

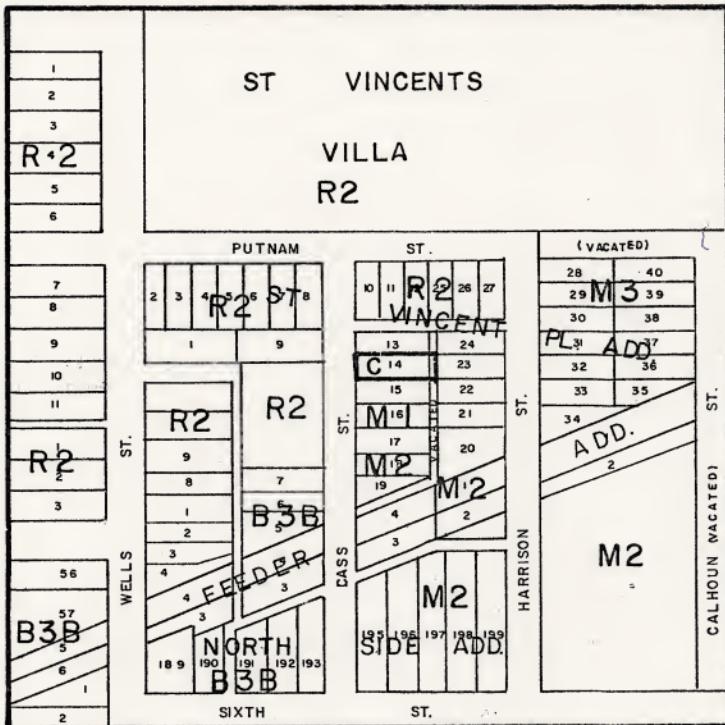
ON ACCOUNT OF

Resoning - 1718 Chiss

lot 14 st Vincent

Ann Rogers

AUTHORIZED SIGNATURE



"C" CHANGE FROM R2 TO MI

DATE DRAWN 4-22-76

MAP A-7

N
A
1

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Receipt No. _____

Date Filed _____

Intended Use _____

I/We Allen Products, Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-2 district to a/an M-1 district the property described as follows:

Lot Number 14, St. Vincent Place Addition & 1/2 Vacant Alley

1718 Cass St.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Allen Products, Inc.1701 North Harrison St.By Thomas M. Gallmeyer
Thomas M. Gallmeyer, Attorney(Name)(Address)(Signature)

Legal Description Checked By: _____

(City Engineer)

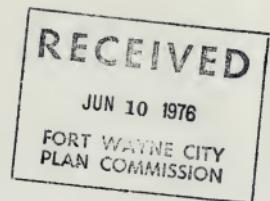
NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Thomas M. Gallmeyer(Name)Indiana Bank Building(Address)422-9454(Telephone Number)CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE, INDIANA, 46802
Telephone Number: 423-7571

June 9, 1976



Mr. Gary Baeten
City Plan Commission
8th Fl.
City County Bldg.
Ft. Wayne, IN 46802

Dear Gary:

As newly elected President of the NorthWest Central Neighborhood Assn., the responsibility falls to me to advise you that at the last meeting, this date, the membership voted unanimously on the following:

RE: Allen Products, Cass St., Ft. Wayne

DENY the request for M1 zoning on the two adjacent properties.

Reasons for the above are that Allen Products makes for "poor neighbors" in that they have taken all the residents parking on the street, eat lunches in their car and litter surrounding property. In addition it should be mentioned that the 24-hour operation causes considerable noise at all hours of the night. The semi-tractor trailer traffic is damaging curbs and sidewalks. Need I go on?

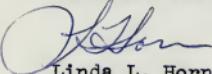
Just for the record, be it understood that this neighborhood association as a whole vehemently opposes the rezoning of the lots in reference for Allen Products' purposes.

I'll be up to see you on any number of occasions, Gary. Tell Patsy I said hi. See you soon.

Thanks for your cooperation.

Sincerely,

NORTHWEST CENTRAL NEIGHBORHOOD ASSN.


Linda L. Horn, President

Received after Public Hearing

June 21, 1976

RECEIVED

JUN 22 1976

FORT WAYNE CITY
PLAN COMMISSION

To: City Plan Commission
City-County Building
One Main Street
Fort Wayne, Indiana

Reference Bill No: Z-76-05-13

I would like once again to voice disapproval of the re-zoning. In addition to the many undesirable things about this company already expressed, there are still more.

We have no knowledge of any security guard or watchman on duty who patrol the grounds. Almost nightly there are young boys, Jr. High age, and older ones in cars prowling around to get a chance at the beer. More times than not they are successful, too. Just this past week there was a break-in at Allen Products. I was awakened in the middle of the night by 2 or 3 cars screeching in and out of my driveway. Sheriff's cars and others were present, and a car was abandoned in my back yard. It had to be towed out, tearing down markers, etc. I heard them say there was beer in the car.

This may not be condoned by Allen Products, but it still presents the opportunities for crime and juvenile delinquency.

Also, Cass Street is approximately 24 $\frac{1}{2}$ feet wide. Eliminating an eight foot width for the constant stream of parked cars and another eight feet for the trucks running up and down Cass Street, this leaves less than eight feet for any vehicle wishing to traverse the street. The same thing if they are trying to maneuver in or out of the Cass Street warehouse door. Any vehicle must wait till the trucks get out of the way before you can proceed.

I am sure Allen Products is aware that there is a sight committee, also. Conveniently, after both Council meetings they have managed to keep a few of the cars off the street. But soon as things are settled, they will all be back. Under normal circumstances, every available spot is taken by Allen Products employees. Not only Cass, but Sixth, and Harrison.

They outgrew this spot long ago. If the neighborhood had been aware before the last section of warehouse went up, we would also have protested this.

I contend that it is spot zoning, although Mr. Gallmeyer says no. Mr. Hilt of neighborhood association indicated same at last meeting. What constitutes spot zoning? They have purchased five homes in this one block which I live on, one by one, torn them down, and expanded and are still trying. I cannot see how putting two lots together for re-zoning makes one bit of difference. It is still encroachment on a residential area.

At the time they bought Falstaff, there was something on TV news about a guarantee to expand. This is no reason why we should ~~KK~~ have ~~KK~~ to suffer more, or be forced out of our homes. Mr. Gallmeyer stretches the truth a bit when he indicated that Allen Products had offered \$16,000 for my home. No definite figure has ever been quoted. IN fact, the last contact was through Mr. Merkle and no figure was discussed at all. I indicated to him that I was not interested in selling.

It was in the newspaper some time back that Mr. Brown, who sold lot # 14 to Allen Products, is in a state of bankruptcy. I don't know the procedures on how he can ~~sell~~ a house that he doesn't own, but he was not doing it to be a good samaritan and give them needed ground. It was a way out for him. He first fought the re-zoning with a remonstrance (due to illness of wife). He then dropped this, which indicates to me he must have gotten his price (originally wanting 18 or 20,000).

Mr Gallmeyer indicated something about Mr. Brown again in the last meeting, but I was unable to catch what he said. He then indicated Mr. Brown had been present, but had since left, he guessed. This was untrue, also. Mr. ~~KK~~ Brown left while his name was being mentioned and then returned to watch the whole proceedings.

I am sure not one of you, or the people who own Allen Products, or Mr. Gallmeyer would want a warehouse full of beer and wine within 12 feet of your kitchen and living room windows. Then come home from a busy day at the office and no place to park in front of your own home. Or receive a guest at your door who had to park 2 or 3 blocks away to come visit. They also load these trucks at night, and they have motorized vehicles inside the warehouse which stack and unstack cases of beer and wine and it is very noisy.

They have no room for all of the trucks now. They already occupy the vacant Lot # 15. Where will these trucks be if they build more warehouse. On the Streets, of course.

In conclusion, I hope you can see your way clear to honor the request of the neighborhood to deny the re-zoning.

Lot # 13, Homeowner
Mildred W. Foltz
Mildred W. Foltz
1722 Cass Street
Fort Wayne, Ind. 46808

Received after public hearing

June 22, 1976

To: CITY PLAN COMMISSION
CITY-COUNTY BUILDING
ONE MAIN STREET
FORT WAYNE, Indiana

Reference Bill No. Z-76-05-13

Well, it was very obvious that today was the today for the sight committee on this project. My neighbor across the street saw a man today walking Cass St. and checking house numbers. He asked what it was for, and the man stated for the City Council.

When I came home from work about 4:25 today, not one car was parked on Cass Street. My son and neighbor said it had been that way all day. They had also cleared most of the trucks from the vacant lot¹. Under a normal working day, every spot is taken by Allen Products employees cars.

Are you telling me they don't know what days to hide the cars?

Also, Mr. Brown of Lot # 14, indicated to another neighbor, Mr. Barker that he hasn't sold his house to Allen Products, and he dislikes the trash container right outside his kitchen door. Also, that the trucks are noisy and his wife is ill. He says if it continues, he is going to rent his house out and move to the lake.

Has the aspect been investigated that they do not even own Lot #14? There certainly seems to be a lot of mysterious things going on.

Allen Products had to know that today was the right day, because this definitely was not a normal day. They either warned their employees, to hide the cars, or they laid them off for the day.

One Employee who lives, I believe on Putman, walks to work and he went home at his regular time. There were few men and few trucks moving in and out today. This is very definitely not a fair appraisal of the area.

Lot # 13, Homeowner
Mildred W. Foltz

Mildred W. Foltz
1722 Cass Street
Ft. Wayne, Ind. 46808

RECEIVED

JUN 23 1976

FORT WAYNE CITY,
PLAN COMMISSION

6/25/76

Mr. Fred N. Barker
221 Putnam
Fort Wayne, Ind. 46808

City Plan Commission
Ft. Wayne

Re: Z-76-05-14⁰³
+ Z-76-05-13

RECEIVED
Following
JUN 28 1976
FORT WAYNE CITY
PLAN COMMISSION

Zone change petitioned by Allen Products Co
should be denied.

The lots in question were residential zoned before Allen Products moving into area. Therefore, Cass street Residential zoning holds priority rights. Furthermore Allen Products have proven themselves to be undesirable neighbors - junk yard appearance and the "To Hell with the neighbors" attitude. A canvass of Cass Street and Putnam Street property owners will bear out this statement. And, now with expansion of their operation the junk yard appearance will become more obnoxious, of the slum creating nature - Fort Wayne doesn't need another slum area. Furthermore, Cass Street width, 4 inches short of 25 feet, with West porting, is too narrow for the truck, semi-truck traffic - passing often difficult. Semis have broken down corner curbs on Cass & Putnam - have torn down signs. Cass St is also a bike route.

There is a feeling that Allen Products No 2 Warehouse erected a few years back on 17 & 18 lots was built while residential zoned.

Other reason for zone change denial already made known to plan commission: My hope is that the matter will not have to end up in the courts. F.N. BARKER

Number assigned by Bill Salin's office: # 3187
DIGEST SHEET

Admn. Appr. _____

TITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-76-05-13

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the

rezoning of the following described property:

Lot # 14 and 1/2 of vacated alley in St. Vincent's Place Addition,

commonly known as 1718 Cass Street

From "R2" to "M1"

EFFECT OF PASSAGE Property is presently zoned an "R2" District - Two

Family Residential. Petitioners are requesting an "M1" Zoning - Light

Industrial.

EFFECT OF NON-PASSAGE Property would remain an "R2" District

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) Legislation J.W.